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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TERRI COONES, Plaintiff, vs. PROGRESSIVE FINANCIAL SERVICES, INC., Defendant.	Case No.: CV-09-275-LRS ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT PROGRESSIVE FINANCIAL SERVICES, INC.
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COMES NOW Progressive Financial Services, Inc. (PFS), without waiving any objections, rights, and defenses relating to jurisdiction and process, hereby answers Plaintiff's complaint as follows:

I. ANSWER

1.1. PFS admits this is an action for damages and remedies against

ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANT PROGRESSIVE FINANCIAL
SERVICES, INC. - 1

Case No. CV-09-275-LRS

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1 defendant pursuant to the named statutes, and denies liability, and denies the
2 remaining allegations contained in Paragraph 1 of Plaintiff's Complaint.

3 1.2. PFS admits this Court has jurisdiction over claims under the Fair Debt
4 Collection Practices Act, 15 USC § 1692 et seq. (FDCPA), but denies liability under
5 the same, and, by that reason there is no subject matter jurisdiction, and therefore
6 denies the remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

7 1.3. PFS admits plaintiff resides within the jurisdiction of this Court, and
8 that venue is proper in this District, and denies the remaining allegations contained in
9 Paragraph 3 of Plaintiff's Complaint.

10 1.4. PFS admits Plaintiff is a debtor as defined by RCW § 19.16.100(11),
11 and denies the remaining allegations contained in Paragraph 4 of Plaintiff's
12 Complaint.

13 1.5. PFS admits PFS was a company engaged, by use of the mails and
14 telephone, in the business of attempting to collect a debt, but lacks sufficient
15 information to determine the truth or falsity of the remaining allegations in Paragraph
16 5 of Plaintiff's Complaint, and therefore denies the same.

17 1.6. PFS admits the allegations contained in Paragraph 6 of Plaintiff's
18 Complaint.

19 1.7. PFS admits contacting Plaintiff, and denies the remaining allegations
20 contained in Paragraph 7 of Plaintiff's Complaint.

21 1.8. PFS denies allegations contained in Paragraph 8 of Plaintiff's
22 Complaint.

1 1.9. PFS denies allegations contained in Paragraph 9 of Plaintiff's
2 Complaint.

3 1.10. PFS admits and denies the allegations made in Paragraph 10 of
4 Plaintiff's Complaint as set forth in Paragraphs 1.1 through 1.9 above.

5 1.11. PFS admits and denies the allegations made in Paragraph 11 of
6 Plaintiff's Complaint as set forth in Paragraphs 1.1 through 1.10 above.

7 1.12. PFS admits and denies the allegations made in Paragraph 12 of
8 Plaintiff's Complaint as set forth in Paragraphs 1.1 through 1.11 above.

9 1.13. Except as so admitted, PFS denies each and every allegation in
10 Plaintiff's Complaint.

11 II. AFFIRMATIVE DEFENSES

12 Having answered Plaintiff's complaint, PFS alleges the following affirmative
13 defenses.

14 2.1. **Failure to State Claims.**

15 2.2. **Failure to Join Real Party in Interest.**

16 2.3. **Lack of Subject Matter Jurisdiction.**

17 2.4. **Lack of Pendant Jurisdiction.**

18 2.5. **Bonafide Error.**

19 III. PRAYER

20 Wherefore having fully answered Plaintiff's complaint, having interposed
21 affirmative defenses, PFS pray for the following relief:
22

1 3.1. Dismissal of the Action with prejudice, and with costs and attorney fees
2 to PFS.

3 3.2. For such other and further relief as may be provided by law.

4 Dated October 1, 2009.

5 DAVENPORT & HASSON, LLP

6 s/ Jeffrey I. Hasson

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